

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HESTIA EDUCATION GROUP, LLC, et
al.,

Plaintiffs,

v.

JOHN KING,

Defendant.

Case No. [15-cv-01463-DMR](#)

**ORDER DENYING PLAINTIFFS'
MOTION FOR EVIDENTIARY
HEARING ON APA CLAIM**

Re: Dkt. No. 78

Plaintiffs Hestia Education Group, LLC d/b/a Blush School of Makeup and Manhal Mansour (“Plaintiffs”) filed a Motion for Evidentiary Hearing on their APA appeal from an administrative decision. [Docket Nos. 78, 79]. Defendant John King (“Defendant”) opposed the motion. [Docket No. 84]. Plaintiffs filed their reply. [Docket No. 85]. The court finds this matter appropriate for resolution without oral argument. *See* Civ. L.R. 7-1(b). For the following reasons, Plaintiffs’ motion is **DENIED**.

At the outset, it is unclear what relief Plaintiffs seek and what legal authority they rely on. Plaintiffs appear to request an evidentiary hearing with DOE employee Donna Wittman to focus on her “bias . . . coupled with her dishonesty and the animosity she outwardly displayed toward Mr. Mansour,” which they argue “will enable the Court to better assess whether DOE acted arbitrarily, capriciously, and/or abused its discretion in denying the Blush application and permanently excluding Mr. Mansour from controlling ownership of institutions participating in Title IV federal student aid programs.” Mot. at 11:1-6. Ms. Wittman, however, is not the decision maker.

To the extent that Plaintiffs seek to augment the administrative record by asking questions of Ms. Wittman related to her alleged bias, it amounts to a discovery request, which this court denies. Discovery closed on July 29, 2016. [Docket No. 65].

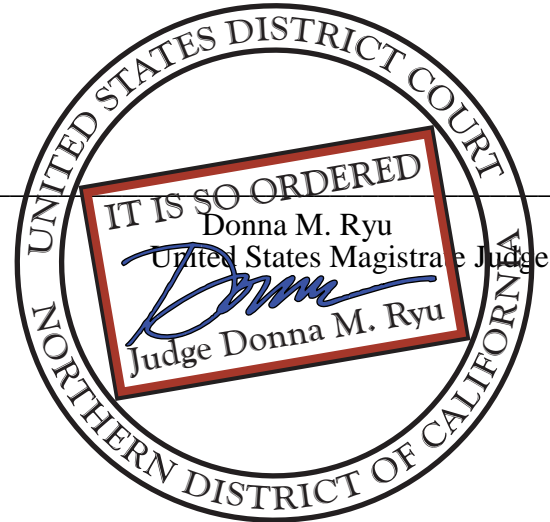
To the extent that Plaintiffs argue that this court needs to see Ms. Wittman live to assess

her credibility, the court would not find it useful to conduct an evidentiary hearing for that purpose, and denies Plaintiffs' request.

If Plaintiffs want to argue that Defendant and the DOE employees were biased in the decision making process, they can do so on summary judgment by relying on evidence already in the record.

IT IS SO ORDERED.

Dated: October 19, 2016



United States District Court
Northern District of California